

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1336 of 1996

in

MISC. CIVIL APPLICATION No 877 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT and  
MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements? - Yes.
2. To be referred to the Reporter or not? - No.
3. Whether Their Lordships wish to see the fair copy of the judgement? - No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.
5. Whether it is to be circulated to the Civil Judge?- No.

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CHHABILDAS KARAMCHAND SHETH

Versus

BANK OF BARODA

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Appearance:

MR MC SHAH for Petitioner  
MR RM DESAI for Respondent No. 1  
SERVED for Respondent No. 4

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CORAM : THE CHIEF JUSTICE G.D.KAMAT and  
MR.JUSTICE C.K.THAKKER

Date of decision: 05/11/96

ORAL JUDGEMENT : (Per G.D. Kamat, C.J.)

Admit. By consent, to be heard forthwith.

Special Civil Application No.896 of 1980 was dismissed for default on 17th of June, 1996. Appellant thereafter took out an application for restoration of the matter and setting aside the order of dismissal. The application, viz., Miscellaneous Civil Application No.877 of 1996 was rejected on 21st August, 1996. In the facts and circumstances of the case, the order dated 17th June, 1996 in Special Civil Application No.896 of 1980 and the order dated 21st August, 1996 in Miscellaneous Civil Application No.877 of 1996 are quashed and set aside and Special Civil Application No.896 of 1980 is restored on the file, which shall be disposed of on merits. Appeal is allowed to the extent indicated, with no order as to costs.

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(apj)